

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Ryan Hoobler

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: METHOD AND SYSTEM FOR SAMPLE AND RECREATION
SYNCHRONIZATION FOR DIGITAL TRANSMISSION OF
ANALOG MODEM SIGNAL

ATTORNEY DOCKET: 4244 P

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, DC 20231

**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS****--SMALL BUSINESS CONCERN--
(37 CFR 1.9(f) AND 1.27(c))**

Honorable Assistant Commissioner:

I hereby declare that I am

- the owner of the small business concern identified below:
- an official of the small business concern identified below and that I am empowered to act on behalf of said corporation:

NAME OF CONCERN: Phonex Broadband Corporation

ADDRESS OF CONCERN: 6952 High Tech Drive

Midvale, Utah 84047

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR §1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in

that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **METHOD AND SYSTEM FOR SAMPLE AND RECREATION SYNCHRONIZATION FOR DIGITAL TRANSMISSION OF ANALOG MODEM SIGNAL** by the above-named inventors described in

- the specification filed with this declaration.
- application Serial No. _____, filed _____ .
- Patent No. _____, issued _____ .

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

- no such person, concern or organization exists.
- each such person, concern or organization is listed below:

NAME: _____

ADDRESS: _____

- INDIVIDUAL
- SMALL BUSINESS ENTITY
- NONPROFIT ORGANIZATION

I acknowledge the duty of the small business concern to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

On Behalf of: Phonex Broadband Corporation

NAME OF PERSON SIGNING: John M. Knab

TITLE OF PERSON SIGNING: President, Chief Executive Officer

SIGNATURE:  DATE: 1 May 2001

U.S. Patent and Trademark Office

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**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS****--INDEPENDENT INVENTOR--
(37 CFR 1.9(c), (f) and 1.27(b))**

Honorable Assistant Commissioner:

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **METHOD AND SYSTEM FOR SAMPLE AND RECREATION
SYNCHRONIZATION FOR DIGITAL TRANSMISSION OF ANALOG MODEM
SIGNAL** described in a patent application filed herewith.

I have not assigned, granted, conveyed or licensed and I am not under any obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor:



Name of Inventor:

Ryan Hoobler

Date:

May 1, 2001

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Washington, DC 20231

DECLARATION FOR PATENT APPLICATION

Honorable Assistant Commissioner:

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND SYSTEM FOR SAMPLE AND RECREATIONSYNCHRONIZATION FOR DIGITAL TRANSMISSION OF ANALOG MODEM SIGNAL** the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby appoint Lloyd W. Sadler (Reg. No. 40,154) and Daniel P. McCarthy (Reg. No. 36,600) as my representatives and attorneys or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All communications should be directed to Mr. Sadler at the following address or telephone number:

Lloyd W. Sadler
MCCARTHY & SADLER, LC
39 Exchange Place, Suite 100
Salt Lake City, Utah 84111
(801) 323-9399

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Ryan Hoobler

Residence of inventor:

Address: 3939 So. 4400 W.
City: West Valley City
State: UT
Citizenship: U.S.A

Post Office Address of inventor:

Address: 3939 So. 4400 W.
City: West Valley City
State: UT

Inventor's Signature:



Date:

5-1-2001